

In the last four months, Clear Channel radio stations in Cleveland, Houston and Raleigh have broadcast programs attacking bicyclists and inciting motorists to injure people who are riding bicycles.

The drive-time broadcasts started on June 30th at WMJI in Cleveland. On September 22 and 23, WDCG in Raleigh aired similar program content. The September 2 rebroadcast by KLOL in Houston is especially disturbing. This broadcast was three days after a horrendous accident involving 20 bicyclists and a truck that left two Houston-area riders dead.

During the broadcasts, Clear Channel employees and callers encouraged motorists to do things like:

- speed past the bike and slam your brakes on
- throw things such as bottles and cans at the bicyclist
- have your passenger open the car door into the rider
- yell or honk at the cyclist
- have your passenger hit cyclists with a wiffle ball bat as you pass them
- shoot at the rider's tires with a pellet gun
- swerve toward the bicyclist to scare them or force them off the road
- bump the back wheel with the bumper of your car

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Federal Communications Commission
Office of the Secretary

It is our understanding that the FCC is required to deny applications for license renewal if a licensee exhibits poor character. Since approximately 45,000 bicyclists per year are involved in accidents with motor vehicles, encouraging, provoking and inciting motorists to do the above shows extremely poor character.

An integral part of this debate is that Clear Channel employees made Personal Attacks against an individual on July 3rd. Lois Cowan has filed a formal complaint with the FCC because the station did not follow the procedures required after making a Personal Attack.

Lois is in the audience today and is prepared to play excerpts from a subsequent broadcast. The broadcast on July 8th refers to and repeats some of the Personal Attacks. The broadcast also ridicules cyclists and the FCC.

Clear Channel has refused to release tapes or transcripts of the programs. Since they chose to pay \$10,000 toward cycling advocacy, broadcast apologies and run hundreds of Public Service Announcements, a reasonable and prudent person would assume that they feel they have some liability and/or license exposure.

Please discuss the Personal Attack regulations and the penalties for stations that do not follow these regulations.

Please also discuss the FCC's requirements regarding licensee character and if/when a license has been denied based on poor character.

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List ABCDE

**Lois M. Cowan
33351 Aurora Rd
Solon, Ohio 44139**

September 28, 2003

**Federal Communications Commission
Enforcement Bureau
445 12th St., SW
Washington, DC 20554**

Dear Sir or Madam,

I would like to file a formal complaint against a radio station as detailed below:

- **Call letters - WMJI**
- **Station address – 6200 Oak Tree Blvd, Independence, Ohio 44131-6933**
- **Corporate offices – Clear Channel Radio, 200 East Basse Rd, San Antonio, Texas 78209**
- **Name, time and dates of program:**
 - **The Lanigan and Malone Show**
 - **From 6:00 am until 10:00 am**
 - **Monday August 30, 2003 through Thursday July 3, 2003**
- **Names of persons contacted – locally - Jim Meltzer and Kevin Metheny
nationally - John Hogan and Lisa Dollinger**

During these four days, station employees made numerous and repeated comments regarding bicycles that were travelling on public roadways. The station employees repeatedly encouraged acts of violence by motorists such as opening car doors into bicycles, throwing objects at cyclists, yelling or honking which could cause a cyclist to lose control and crash, swerving toward bicycles, and pulling around a bicycle and slamming the vehicle's brakes on. Since hundreds of cyclists are killed by motor vehicles each year, encouraging and inciting the public to harm cyclists is a serious and important public safety issue.

On Wednesday, July 3, a station employee called me to be interviewed regarding the rules of the roadways. My full name and my company's name were repeatedly mentioned during the hour before the interview. I was on the air from approximately 7:00 am until 7:15 am during which time I was Personally Attacked by station employees. I was called names such as buffoon, idiot, clueless, pms-sufferer, couldn't take a joke, and stupid. I listened to the first 15 minutes of the broadcast following my "interview" but I could not listen to more because I was crying. According to friends, for the remaining three hours of the show, callers and station employees continued their Personal Attacks including threats to my business and threats against my life.

It is my understanding that the station is required to furnish certain information to the individual any time that a Personal Attack is made. On numerous occasions, both verbally and in writing, I have requested a tape or transcript of the July 3rd broadcast and have not received either. In discussions with station representatives I was told that the tapes had been sent to their legal department in San Antonio.

As of today, I have still not received a tape or transcript of the Personal Attacks made against me by Clear Channel employees on July 3, 2003 between 7:00 am and 10:00 am. I would like to lodge a formal complaint and I would like to obtain a copy of the broadcast.

I can be contacted via phone, letter or e-mail at the following:

440-519-0006 ext 4

**c/o Century Cycles
33351 Aurora Rd
Solon, Ohio 44139**

lois@centurycycles.com

Thank you for reviewing this matter,

Lois M. Cowan

construction. The station owner is required to run a series of advertisements in the closest local newspaper when it files these types of applications. Later, the FCC will also run a "Public Notice" (all FCC Public Notices are placed on our Internet home page at www.fcc.gov) and open a 30 day period during which you may file petitions to deny these applications. As with renewal applications, you can also file an informal objection at any point until we either grant or deny the application.

[Return to Table of Contents](#)

BROADCAST PROGRAMMING: BASIC LAW AND POLICY

The FCC and Freedom of Speech. The First Amendment and federal law generally prohibit us from censoring broadcast material and from interfering with freedom of expression in broadcasting.

Individual radio and TV stations are responsible for selecting everything they broadcast and for determining how they can best serve their communities. Stations are responsible for choosing their entertainment programming, as well as their programs concerning local issues, news, public affairs, religion, sports events, and other subjects. They also decide how their programs (including call-in shows) will be conducted and whether to edit or reschedule material for broadcasting. We do not substitute our judgment for that of the station, and we do not advise stations on artistic standards, format, grammar, or the quality of their programming. This also applies to a station's commercials, with the exception of commercials for political candidates during an election (which we discuss later in this manual).

[Return to Table of Contents](#)

Access to Station Facilities. Stations are not required to broadcast everything that is offered or suggested to them. Except as required by the Communications Act and our rules concerning personal attacks, political editorials, and the use of stations by candidates for public office (which are discussed later in this manual), stations have no obligation to have any particular person participate in a broadcast or to present that person's remarks. Further, no federal law or rule requires stations to broadcast "public service announcements" of any kind.

[Return to Table of Contents](#)

Retention of Material Broadcast. We generally do not require stations to keep the material they broadcast. However, there are limited exceptions to this policy for *personal attacks and political editorials*.

Personal Attacks. Personal attacks occur when, during the presentation of views on a controversial issue of public importance, someone attacks the honesty, character, integrity, or like personal qualities of an identified person or group. No more than a week after a personal attack, the station must transmit the following three things to the person or group attacked: (1) notification of the date, time, and identification of the broadcast; (2) a tape, script or accurate summary of the attack; and (3) an offer of a reasonable opportunity to respond on the air.

Political Editorials. A political editorial is when a station endorses or opposes a legally qualified candidate(s) during a broadcast of *its own*

Radio DJs' remarks incite national concern for cyclists

MARTIN STOLZ
Plain Dealer Reporter

Cleveland radio disc jockeys created a local frenzy last summer when they advocated that motorists mow down bicyclists.

Similar comments last month on Raleigh and Houston radio stations — all owned by Clear Channel Communications — have sparked a national furor against the company. Some bicyclists have asked the federal government to punish the company or revoke broadcast licenses.

The spiritual leader behind the fight against the nation's biggest radio conglomerate is Lois Cowan, a Cleveland woman who runs four bike shops and rallies supporters using pleas posted as "idiot alerts" on a Web site and in e-mail.

The controversy began June 30 with broadcasters on the "Lanigan and Malone" show on WMJI-FM/



"They obviously haven't gotten the message. I don't consider it worked out."

Lois Cowan, bike shop owner

105.7. "Cleveland's Knuckleheads," as the station promotes them, and on-air callers described ways to heckle cyclists, edge them off the road or strike them with car doors, according to listeners. Such acts could bring felony assault or other criminal charges.

The weeklong banter frayed nerves, both of motorists frustrated by cyclists on the road and of the fearful bicyclists, who have a legal right to use any road in Ohio except interstate highways.

On July 3, the show had

an on-air telephone interview with Cowan, owner of Century Cycles shops.

The DJs derided her explanation of Ohio law, saying she suffered from PMS, she said.

The next week, Cowan sat down with Clear Channel officials, who agreed to apologize on-air to bicyclists, broadcast public service announcements about sharing the road and donate \$10,000 for bike advocacy.

Cowan thought the crisis had passed.

SEE CYCLISTS | B3

Cleveland Plain Dealer Sunday 10/19/03

CYCLISTS

FROM B1

DJ's remarks incite concern for cyclists

That changed last month when she learned about anti-bicycle rants on Clear Channel stations in Raleigh, N.C. and Houston.

On Aug. 30, a pickup truck driver in Texas hit a line of bicyclists, killing two and injuring three. On Sept. 2, a Houston station offered bicycle-disabling advice and jokes similar to what aired in Cleveland. Then, beginning on Sept. 22, a Clear Channel station in Raleigh did the same. Both stations later apologized.

Cowan, a finalist for the National Bicycle Dealers Association "Advocate of the Year" award, learned of the Houston broadcasts from a friend of the dead cyclists. In response, she filed a formal complaint with the Federal Communications Commission. She asked the FCC to investigate and to help her get tapes from WMJI. Other cyclists have filed complaints, too, the FCC said.

"They obviously haven't gotten the message," Cowan said. "I don't consider it worked out."

Clear Channel operates more than 1,200 radio stations in the United States. The company holds FCC licenses for nine stations in the Cleveland/Akron market. For years, WMJI, an oldies rock station, has consistently been one of the region's highest-rated and most-profitable stations.

The company has tapes of the "Lanigan and Malone" shows but will not release them, said Kevin Metheny, the company's regional vice president of programming. "We are not inclined to get into the tedious details," he said.

"If the bicycle enthusiasts wish to enumerate the details, they are free to do so," he added. "But we apologized, we extended numerous, substantial gestures of goodwill, and we believe we have moved on."

Lawyer Patrick Galla, 55, a cyclist who rides his bike about 9,000 miles each year, took notes on all the broadcasts. His firm, Barber and Hoffman, tunes in all day to WMJI. He was listening when the subject of bikers first came up in June.

According to Galla, sports anchor Mark Bishop complained



DAVID I. ANDERSEN | THE PLAIN DEALER

A bicyclist coasts through the Rocky River Reservation near Bagley Road. Clear Channel Communications radio stations in Raleigh and Houston recently broadcast anti-bicycle rants, putting the company at the center of a national furor born in Cleveland.

on a "Monday Moaning" segment about encountering a line of cyclists on Lake Road in Avon Lake. Bishop told listeners that as he passed, he wanted to yell obscenities at the cyclists for blocking the road. But Bishop said he forgot to roll down the passenger-side window and shouted in his wife's ear instead.

News anchor Chip Kullik responded that Bishop could have hit them or run them off the road, Galla said.

Galla said host Jimmy Malone did not participate in the banter or respond to callers, whose comments mostly echoed Kullik's. At one point, Malone announced that he rides a bike, Galla said.

As the week progressed, callers' comments grew increasingly irate, Galla said. The station offered dinner prizes for callers with the most outlandish ideas for thwarting bicyclists, he said. One motorist suggested speeding ahead and then abruptly stopping and throwing open the passenger door in a cyclist's path.

Host John Lanigan was on vacation, though he joined the discussion the next week to complain about the deluge of e-mails, including one asking whether his show helped the public.

"Well, quite frankly, I'm not here to serve the interests of the community," he says in a recording of the show. "I'm serving my interests by being here."

After Metheny brokered peace, he explained what happened to

his boss, who oversees radio stations in Ohio and neighboring states. He declined to say whether Clear Channel directed stations in other states to avoid or to allow similar programming.

Clear Channel is not new to controversy. In the past year, it has been accused of monopolizing the radio industry, banning the Dixie Chicks and acting as a right-wing mouthpiece.

The company is in the sights of U.S. Sens. John McCain, Russ Feingold and Byron Dorgan.

A Washington-based public-interest research group, Essential Information, last month challenged FCC renewal of 63 broadcast licenses held by Clear Channel stations. The complaint accuses the company of committing animal cruelty, staging fake competitions, abusing the emergency alert system and causing false emergencies by having on-air personalities commit crimes.

"Every station is required, believe it or not, to have 'good character' as part of the public-interest standard," said Jim Donahue, a researcher for Essential Information. He said the law does not appear to matter to Clear Channel. "That's why I'm not surprised that they want motorists to run over bicyclists."

"These kinds of stunts," he said, "should be considered part of the overall history of Clear Channel's violations of law."

WMJI, whose license is up for renewal next October, was not in

Donahue's complaint.

Because of the pending complaints from bicyclists, FCC lawyers declined to comment on whether inciting violence betrayed the commission's Character Policy Statement.

Susan Elmore, a company spokeswoman, said Clear Channel does not "condone advocating violence in any form. We've been committed to working with the cycling community in each of these separate incidences."

Elmore said Clear Channel had no comment about the company's compliance with the FCC's character rules.

Cal Kirchick, a Cleveland lawyer and bicycle advocate, said WMJI probably violated Ohio laws against inciting violence. If a motorist were to harm a bicyclist, he added, the company could be found liable.

The FCC cannot censor content. But it restricts obscene and indecent speech.

Violators can be fined or lose their licenses.

Cowan said radio stations should be concerned about bicyclists' safety. Last year, 15 Ohio cyclists and 647 in other states died in accidents with cars.

"This is a serious problem," she said. "The media has some responsibility to the public."

To reach this Plain Dealer reporter: mstolz@plained.com, 216-999-4549

<http://www.latimes.com/features/outdoors/la-os-bike7oct07.1.7316055.story?c>

RECREATION

Mikes vs. bikes

advertisement

Cyclists fail to see humor in DJs' calls for assaults.

By J. Michael Kennedy
Times Staff Writer

October 7, 2003



Kevin Bray was, well, shocked, when he heard that shock jocks were urging their listeners to run bicyclists off the road. He was horrified when he found out it had happened at least three times since July, in each case at stations owned by radio behemoth Clear Channel — first in Cleveland, then Houston and finally at a station in Raleigh, N.C. To Bray, an avid cyclist and veteran North Carolina highway patrolman, there seemed to be an ominous pattern developing.

"All I can say is, 'Who's next?'" said Bray, who has filed a complaint against the Raleigh station with the Federal Communications Commission. "What these people are doing is some sort of sick marketing ploy."

That thought has also occurred to Patrick McCormick, director of communications for the 40,000-member League of American Bicyclists, an organization dedicated to preserving cyclists' rights. He said his group has been deluged with complaints now that three major radio markets have been beset by the same anticyclist comments. "We're still contemplating what we're going to do as a national organization," McCormick said.

The incidents have stirred rage in the cycling world. In each incident, disc jockeys derided cyclists and encouraged listeners to run them down. In the latest example, at Raleigh station WDCG-FM, disc jockeys Bob Dumas and Madison Lane began their rant against cyclists on Sept. 22. In the course of the program, listeners flooded their telephone lines to vent about cyclists, including one woman who boasted that her father intentionally hit one while they were on the way to church. One of the DJs promoted the joys of hitting cyclists with Yoohoo bottles.

When patrolman Bray heard about the program, he wrote an e-mail to the shock jocks, warning them they were instructing the motoring public in how to commit assault with a deadly weapon — their cars. Bray also informed them that he was reporting them to the FCC.

"I don't know much about radio broadcasting," he wrote. "But I have enough sense to know that these acts are either illegal or contrary to the code of ethics you should be bound by when the FCC allows you to go on the air."

The station's initial response came from station manager Kenneth Spitzer, who referred to the show as "animated banter." But after a demonstration outside the station and the threat by advertisers to pull out, Spitzer issued a public apology on the air Thursday.

The first of the anticyclist diatribe occurred last July in Cleveland, when WMJI-FM disc jockeys suggested cyclists be rammed off the road. One of those who got on the phone to defend cyclists was Lois Cowan, who co-owns four bike shops in the Cleveland area.

"I was repeatedly called a buffoon, an idiot and a PMS sufferer who couldn't take a joke," she said. "Then there were three hours of calls from people saying, 'Yeah, you guys are right.'"

The session left Cowan in tears, but she immediately swung into action, helping engineer a bombardment of calls and e-mails to the station. In the end, the station called a truce and agreed to, among other things, hundreds of public-service announcements about the need to share the road.

The Houston incident also took place in September, and the timing of the show infuriated the city's cycling community. On Aug. 30, a woman driving a pickup truck had lost control and slammed into a 20-bike pace line, killing two riders and injuring eight others. Three days later, the disc jockeys at station KLOL-FM went on their antibiking rampage, setting off another round of protests.

"When you incite people to violence, you've crossed the line," insisted Houston cyclist Frank Karbarz, who helped organize against the station. "They did it almost like a tutorial. It wasn't humorous. It was how to hurt someone."

<http://www.latimes.com/features/outdoors/la-os-bike7oct07.1.800603.print.s...> 10/22/2003

Cowan doesn't believe that Clear Channel, which owns more than 1,200 radio stations in the U.S., is encouraging the anticycling venom. She said it's more probable that word spread among disc jockeys that knocking cyclists is sure to push emotional buttons with their listeners.

Clear Channel, for its part, said through a spokesperson that each station was "operated and produced independently," and "each station is working to correct the problem in their city."

But noted cycling writer Ed Pavelka said he felt the three incidents have at least the makings of a trend. "First it was Cleveland, then Houston and Raleigh," he said. "Either someone's not getting the message, or someone's doing it with intent."

In 2001, 728 cyclists were killed in accidents involving motor vehicles in the United States. And an additional 45,000 cyclists were injured.

Legally, cyclists are afforded the same rights as motorists. Lawyer Gary Brustin, who specializes in cycling cases, noted that some motorists just don't like sharing the road with bikes. "They just don't like them."

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COMMITTEES

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UNC announces aid program

The University of North Carolina at Chapel Hill announced today a new financial aid program that will allow low-income students to graduate debt free.

Ten Commandments protest reaches Raleigh

The Spirit of Montgomery, a traveling protest against the recent removal of a Ten Commandments sculpture from Alabama's Judicial Building, rolled up to the North Carolina state capital for a new conference this afternoon.

No injuries in school bus accident

There were no serious injuries when a school bus collided with a CAT bus early Wednesday morning, police said.

Riders rally for rights

Immigrant workers converge on the state as part of nationwide freedom ride.

Juror held after incident

Attorneys in the Mike Peterson trial learned this morning that a juror had been detained last night for suspicion of being intoxicated in public and making a threat.

Census error renews Utah desire to take House seat from N.C.

Solider with 82nd dies in Iraq

A member of a dive rescue team failed to resurface.

N.C. do-not-call list in effect today

The attorney general says he'll enforce state law, despite a court case tying

Wednesday, October 1, 2003 6:14AM EDT

Radio host infuriates cyclists

By BRUCE SICELOFF, Staff Writer

G105 radio host Bob Dumas told listeners last week that he just hated to see bicycle riders on the road. He laughed at stories about running cyclists down, and he talked up the idea of throwing bottles at bikers.

It wasn't funny to cycling enthusiasts across the Triangle. This week they are lobbying government officials and local advertisers in a campaign to punish radio station WDCG and its corporate owner, Clear Channel of San Antonio, and to promote bicycle safety.

"One caller said her dad had purposely hit a biker on the road on the way to church one Sunday and kept on going," said G105 listener Holly N. Proctor of Cary on Tuesday of the Sept. 21 and 22 broadcasts. "That got laughs. Bob thought that was funny."

"And Bob said he'd love to be on a motorcycle and driving it down a bike lane. Because he didn't think bikers should be allowed on the road. He said they should ride on the sidewalk," she said.

Proctor, a photo technician at N.C. State University, joined two dozen fellow cyclists at a 5 p.m. protest outside the radio station's offices in North Raleigh.

Tom Norman, director of the N.C. Division of Bicycle and Pedestrian Transportation, said that reports about the broadcasts revealed dangerous ignorance of state law.

"I have talked to the G105 manager, who was not aware that it is legal to ride bicycles on the public roadways of North Carolina, that cycles are legally recognized as vehicles in North Carolina," Norman said. "Where do you draw the line? What is the distinction between humor and actually inciting or encouraging listeners to harass a group of people?"

Kenneth C. Spitzer, the station manager, declined to provide tapes or transcripts of the broadcasts to Norman or to a Capital Area transportation planning committee that discussed the controversy Tuesday.

In e-mail responses to several Triangle area residents who complained to the station, Spitzer said the "Bob and Madison" show aims to entertain listeners with "animated banter ... that can be both humorous and caustic." But he said some comments last week "went too far, and for that we sincerely apologize. ...

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Should radio announcers be reprimanded for advocating violence against cyclists?

up a national list.

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Cubs feel at home

Chicago ends 58-year road drought in 'Wrigley South.'

Heels land guard

Recruit commits despite not visiting.

Jobs picture is murky

With companies reluctant to hire, more people try working for themselves.

Durham Kodak jobs safe, for now

Processing unit has 550 in area.

"Be assured that G105 does not advocate harm to cyclists," he wrote.

G105 is the third Clear Channel station to draw fire in the past four months for on-air comments perceived as advocating violence or animosity toward bicycle riders. Officials at WMJI in Cleveland and KLOL in Houston apologized in July and September for similar remarks. They agreed to broadcast "share the road" messages and to finance bicycle safety campaigns.

Leaders of the N.C. Bicycle Club outlined requests they said would help Clear Channel "mend relations with Triangle bicyclists," including similar public safety campaigns and a detailed apology.

Spitzer declined to comment. A corporate spokeswoman to whom inquiries were directed Tuesday did not return calls.

Members of area cycling clubs have shared copies over the past week of protest letters to the Federal Communications Commission, to state and local prosecutors and to G105 sponsors. Several critics noted that G105 radio hosts have sparked controversy in the past with crude stunts.

"It's one thing to drive around with a naked man on the radio station's van," said Raleigh lawyer Kimberly Bryan. "To encourage citizens to harm cyclists, that has crossed a different line. It's irresponsible. It's not caustic, it's not banter, it's not funny."

David Smith, 38, a software developer at UNC-Chapel Hill, took it personally. His right forearm still bears the scar of an attack by an Orange County motorist who found Smith cycling down a rural road one afternoon in April 2001.

"How are people going to take this, what was mentioned on G105?" Smith asked. "Are people going to say, 'You know, I'm tired of these cyclists?' Is that situation going to exacerbate what happened to me, with somebody else coming down a back road?"

After running Smith off the road, the driver stopped, chased him down on foot and struck him with a hatchet, sending him into a ditch and over the handlebars of his wrecked bike. Marvin Glenn Manring of Orange County pleaded guilty in July 2001 to assault with a deadly weapon. He promised to enroll in an anger management program.

Staff writer Bruce Siceloff can be reached at 829-4527 or bsicelof@newsobserver.com.

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- [Home](#)

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- [Calendar](#)
- [FAQ](#)
- [Forum](#)
- [Gallery](#)
- [News](#)
- [Recommend Us](#)
- [Search BH](#)
- [Submit Event](#)
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- [Top List](#)
- [Web Links](#)

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[BikeHouston Forum Index](#) » [In Memoriam](#)

Topics	Replies	Author	Views	Last Post
Announcement: What is this forum?	0	Admin	58	Apr 21, 2003 - 07:4 Admin ➡
Mei R. Wilson, 10-year-old bicyclist	0	Admin	11	Oct 02, 2003 - 04:5 Admin ➡
08/31/2003: James Roy Thomerson and Brian Joseph Delaney	0	teckys	30	Sep 02, 2003 - 02:5 teckys ➡
8/7/03: Cameron Williams, 12-year-old	0	teckys	22	Aug 08, 2003 - 07:3 teckys ➡
Christian Fisher hit on July 22, 2003	0	Sweet as Honey20032003	32	Jul 27, 2003 - 12:3 Sweet as Honey20032
Gardner Lewis, 6/8/2003 12-year-old Nathan Edward Johnston, 5/3/2003	0	Admin	31	Jun 11, 2003 - 09:0 Admin ➡
9/1/02: Arthur Mattox Jr., hit-and-run	0	teckys	50	May 01, 2003 - 12:1 teckys ➡
2/13/2003: Thao Van Pham	0	teckys	50	May 01, 2003 - 12:1 teckys ➡
9/14/2002: Bob Mozek	0	teckys	98	Apr 23, 2003 - 09:2 teckys ➡
9/9/2002: Salvador Ramirez, a hit-and-run victim	0	teckys	57	Apr 23, 2003 - 09:2 teckys ➡
11/12/2002: Bennie B. Williams, a hit-and-run victim	0	teckys	69	Apr 23, 2003 - 08:5 teckys ➡
Diego San Juan,	1	Admin	49	Apr 22, 2003 - 07:4

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